

**IN THE U.S. DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
DEL RIO DIVISION**

<b>UNITED STATES OF AMERICA</b>	§	
	§	
<b>v.</b>	§	
	§	<b>CIVIL ACTION NO. 2:20-cv-00036-AM</b>
<b>\$1,531,924.54 IN UNITED STATES</b>	§	
<b>CURRENCY SEIZED FROM</b>	§	
<b>JPMORGAN CHASE BANK ACCOUNT</b>	§	
<b>405685541 IN THE NAME OF</b>	§	
<b>D L INVESTMENTS</b>	§	

**ANSWER AND AFFIRMATIVE DEFENSES OF CLAIMANT,  
SAN FELIPE DEL RIO CONSOLIDATED INDEPENDENT SCHOOL DISTRICT**

Pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Claimant San Felipe Del Rio Consolidated Independent School District sets forth the following Answer and Affirmative Defenses to the Verified Complaint for Forfeiture (Doc 1).

**ANSWER**

1.     **Paragraph I: Nature of This Action.** Paragraph I states conclusions of law to which no response is required. To the extent that Paragraph I may be read to make allegations of fact concerning Claimant or the Respondent Property, those allegations are denied.

2.     **Paragraph II: Jurisdiction and Venue.** Paragraph II states conclusions of law to which no response is required. To the extent that Paragraph II may be read to make allegations of fact concerning Claimant or the Respondent Property, those allegations are denied.

3.     **Paragraph III: Statutory Basis for Forfeiture.** Paragraph III states that the funds are subject to forfeiture for the illegal activity in specified therein. Claimant states that the funds at issue were stolen from Claimant without its knowledge or consent due to the fraud of third

persons. Beyond that statement, Claimant is without sufficient knowledge to admit or deny the allegations in Paragraph III.

4. **Paragraph IV: Facts in Support of Violations.** Claimant is without knowledge of the facts filed under seal, but denies those facts which are inconsistent with its previously filed claim.

5. **Paragraph V: Prayer.** Claimant denies that the United States of America is entitled to forfeit the Respondent Property, as Claimant is the rightful and lawful owner of the Respondent Property as set forth in Claimant's Claim.

#### **AFFIRMATIVE DEFENSES**

6. Claimant is an innocent owner of the seized property; Claimant's property was stolen from it without its knowledge or consent by a third party, and then seized by the United States. Claimant is the victim of the crime alleged in the Verified Complaint for Forfeiture.

#### **PRAYER**

WHEREFORE, Claimant hereby demands that the Court deny Petitioner's claim for forfeiture of the Respondent Property; order the Respondent Property returned to Claimant; order that Petitioner pay Claimant's attorneys' fees and costs pursuant to 28 U.S.C. § 2465(b)(1)(A); order that Petitioner pay pre- and post-judgment interest on the Respondent Property to Claimant pursuant to 28 U.S.C. § 2465(b)(1)(B)-(C) and enter such additional relief as the Court deems just and proper.

Respectfully submitted,

**SCHULMAN, LOPEZ,  
HOFFER & ADELSTEIN, LLP**

Attorneys for Claimant San Felipe Del Rio  
Consolidated Independent School District

/s/ Joseph E. Hoffer

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2020 the foregoing was e-filed with the Clerk of the Court and a copy will be served on the following:

Antonio Franco, Jr., Assistant United States Attorney, Asset Forfeiture Section,  
601 NW Loop 410, Suite 600, San Antonio, Texas 78216;  
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/s/ Joseph E. Hoffer

Attorney for Claimant San Felipe Del Rio  
Consolidated Independent School District